



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 1/16/00

A g e n d a I t e m 1

TO: Planning Commission

FROM: Richard E. Patenaude, Acting Principal Planner

SUBJECT: **Use Permit Application No. 00-160-09 - Jun & Shirley Sarmientn for 3 Diamond Autobody & Paint (Applicant), Douglas Day for AECO Management (Owner):** Request to Establish Minor and Major Auto Repair Services within an Existing 8,650-Square-Foot Commercial Building - The Property Is Located at 701 'A' Street in a CC-C (Central City - Commercial) District

RECOMMENDATION

Staff recommends that the Planning Commission deny the conditional use permit for auto repair services subject to the attached findings.

DISCUSSION

The applicant proposes to operate an auto repair facility, featuring both minor and major services, within an existing building. The minor auto repair services include engine tune-up, repair and overhaul and computer diagnostics. The major repair services would include collision repair and painting. Auto repair facilities require approval of a Conditional Use Permit in the *Central City - Commercial District*.

Background

A Conditional Use Permit was issued in 1963 to construct this building for use as a general automotive garage, including retail and wholesale sales of auto parts and engines. Excluded were bodywork and painting, lubrication and wheel alignment.

Operations within the building ceased as of September 1997 and the building was vacant for approximately two years. During at least part of that time, the building was undergoing seismic retrofitting. When a business requiring a Conditional Use Permit has ceased operation

for a period in excess of 6 consecutive months, the use permit becomes null and void. Even so, the previous use permit did not allow bodywork, painting, lubrication or wheel alignment.

The applicant began operating an auto repair facility in June 1999, without an approved Use Permit, at which time a paint spray booth was installed. Staff ordered the removal of the booth and a cessation of welding operations. The applicant has continued the auto repair services in the meantime.

Site

The building occupies the entire property, with approximately 59 feet of frontage on "A" Street and 150 feet of frontage on Montgomery Street. Vehicles enter the building by a driveway on each street; pedestrian access is at the street corner. The property is located within the Downtown Hayward Redevelopment Plan Area.

The surrounding land uses, zone districts and general plan land use designations are as follows:

| | Existing Use(s) | Zone District(s) | Gen'l Plan Land Use Designations |
|-------|------------------------------------|------------------|----------------------------------|
| North | Restaurant/Retirement Center | c c - c | ROC |
| South | Multi-Family Residential / Offices | c c - c SD1 | ROC |
| East | Various Commercial / Offices | c c - c | ROC |
| West | Vacant (BART-owned) | c c - c | ROC |

CC-C = Central City - Commercial District. SD1 = "B" Street Special Design Streetcar District. ROC = Retail & Office Commercial

General Plan Issues

The General Plan Map designation for the properties along "A" Street is *Retail & Office Commercial*. The property is also located in the Downtown, which stands apart from other areas of the City "because it has the widest mixture of land uses and because it is the symbolic center for the City. . . . Mixed-use development is to be preferred wherever feasible because retail use at ground levels with office or residential above would put complementary uses within walking distance creating an intensely used, interesting, pedestrian district. "¹ The property is also located less than 700 feet from the Hayward BART Station, placing it within this pedestrian district.

The area around the proposed auto repair facility contains a mixture of uses including restaurants, high-density residential (including senior housing), minor auto repair, offices and service commercial. The future use of the vacant property to the west, owned by BART, is unknown; however, it may be anticipated that it will be developed with a mixture of transit-oriented uses as is being done currently within Hayward's Downtown Core and within other communities with BART stations.

¹ General Policies Plan, Economic Development Element

Staff believes that auto repair services do not conform to the General Plan designation. The proposed uses are typically located in the *Industrial* or *General Commercial* areas of the City. The General Policies Plan envisions that existing auto repair establishments near the Hayward BART station will be relocated to those areas. The repair services add an intensity of use that is not desirable in the downtown core and will disrupt the pedestrian character and the mix of uses of the downtown. Major auto repair services typically require longer repair times and storage of the vehicles, and introduce hazardous materials and odors.

The subject site contains no on-site parking except for that which can be accommodated within the building. Although the proposed site plan indicates that 18 cars can be parked inside the building, it is more likely that only 9 cars could be parked in an orderly fashion given the location of the equipment and the lane needed for vehicle movement through the building. The combination of minor and major repair services will require cars to be parked on the adjacent streets or on an off-site location. Off-site parking will further impact the desired development of the downtown. The current operation already requires that cars be densely packed into the building.

The Cure Area Plan calls for paying attention to the “boundaries and gateways along the perimeter of the core to give identity and clarity to the area.” “To create physical definition for the downtown core, density and activity must continue all the way to its perimeter. A strong boundary will help define the identity of the core as a distinct area, and gateways along this boundary identify the revitalized center for the thousands of people who travel on the surrounding arterials daily, ” The infusion of new auto repair uses along “A” Street will accentuate the existing automobile-oriented perimeter. The proposed use will contribute to the fragmentation of the perimeter of the downtown core and will be harmful to the downtown.

ENVIRONMENTAL REVIEW

Projects that are denied do not require CEQA review . Should the Planning Commission wish to consider approval of all or part of the proposed project, staff will have to prepare an initial study to determine whether a Negative Declaration or an Environmental Impact Report (EIR) will be required. At this time, staff believes that an EIR may be required because there is no way to mitigate the inconsistency of the use with the General Policies Plan.

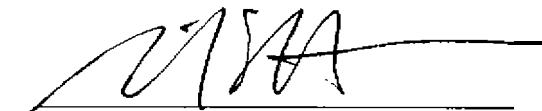
PUBLIC HEARING NOTICE

On November 6, 2000, a Notice of Public Hearing was mailed to every property owner and resident within 300 feet of the property as noted on the latest assessor’s records.


CONCLUSION

The General Policies Plan envisions that auto repair facilities will be relocated out of the downtown as possible. Auto repair services are not compatible with the mix of uses desired in the downtown area, especially the transit-oriented uses that are desired in the vicinity of the BART station. Higher-density commercial and residential development that is clustered within walking distance of transit centers has the potential to increase the use of transit, provide mobility for non-drivers, and reduce traffic congestion. There are a variety of uses. provided for in the Zoning Ordinance regulations for the CC-C District, which could be appropriate in the existing building. Therefore, staff recommends that the Planning Commission deny the Use Permit for the proposed auto repair services.

Prepared by :

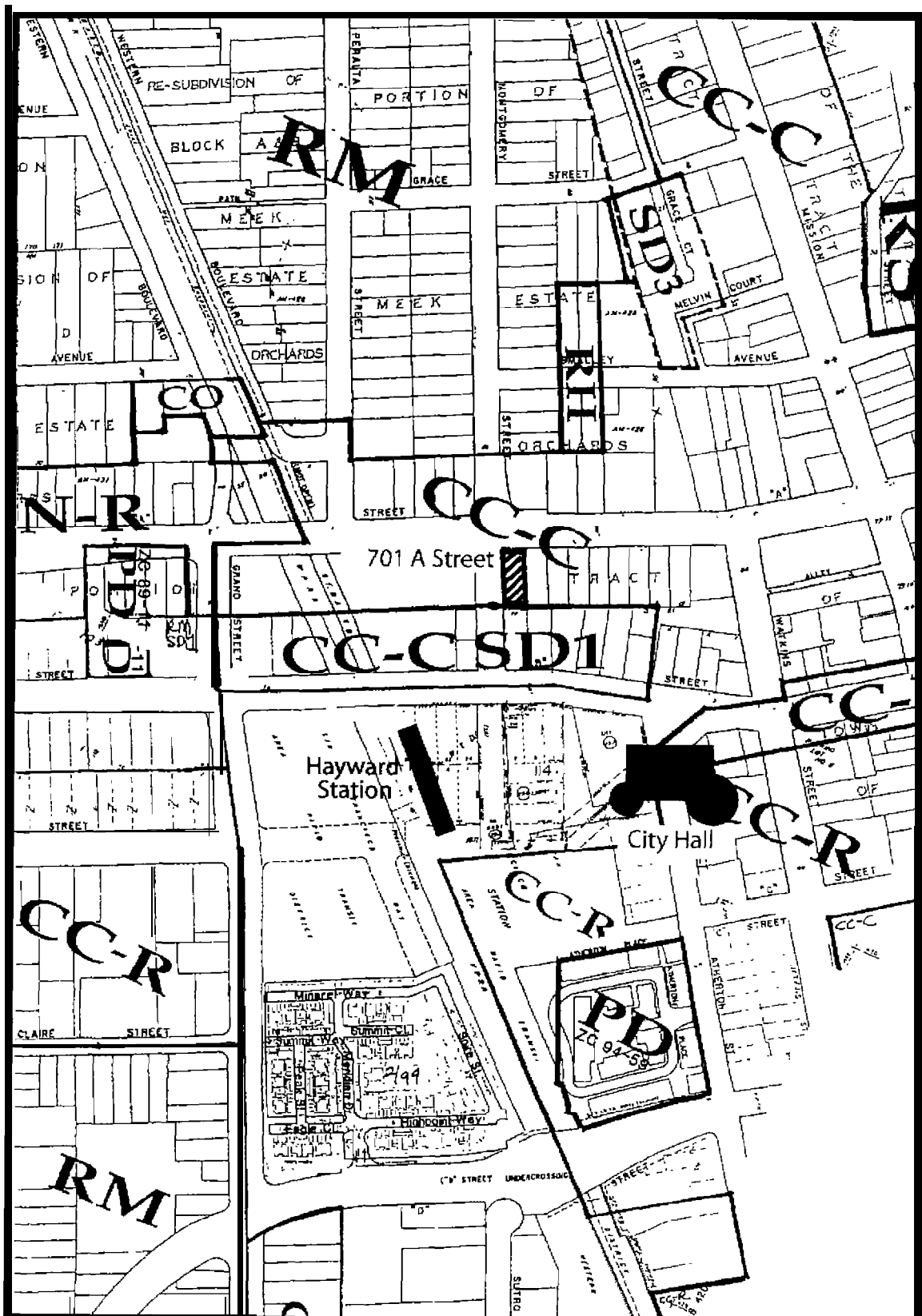

Richard E. Patenaude, AICP
Acting Principal Planner

Recommended by :


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area/Zoning Map
- B. Findings for Denial
Plans



Area & Zoning Map

UP 00-160-09

701 A Street

Applicant: Jun & Shirley Sarmiento for 3 Diamond Auto Body & Paint

Owner: Douglas Day for AECO Management

FINDINGS FOR DENIAL
Use Permit Application 00-160-09
Jun & Shirley Sarmiento for 3 Diamond Autobody & Paint (Applicant)
Douglas Day for AECO Management (Owner)
701 A Street

1. The proposed auto repair services are not desirable for the public convenience or welfare in that they are detrimental to the desired pedestrian- and transit-oriented uses envisioned for the downtown area, and in that there are suitable locations for the proposed use in the *General Commercial* and *Industrial* districts of the City;
2. The proposed auto repair service will impair the character and integrity of the Central City Commercial (CC-C) District as it is *not* a desirable service amid the existing and proposed mix of pedestrian- and transit-oriented uses desired for the downtown area and which otherwise may be located in the subject structure;
3. The proposed auto repair service will be detrimental to the public health, safety, or general welfare in that the proposed use introduces traffic and parking conflicts, and hazardous materials and odors, that are detrimental to the existing and proposed mix of pedestrian- and transit-oriented uses desired for the downtown area; and
4. The proposed auto repair service will not be in harmony with applicable City policies **as** the General *Policies Plan* envisions that auto repair services will be relocated out of the downtown area and that the Core Area Plan envisions “A” Street to be the boundary of a pedestrian district. which this type of use is likely to disrupt.